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Spring 2020

## Gun Control in the United States

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## Do Restrictive Gun Control Measures Lower Gun-Related Violence?

Oliver Lake

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Honors Research Project

## Abstract

This paper focuses on a critical issue that has plagued our nation for many years. It has been one of the most divisive issues outside of abortion. The topic of gun control and how to approach it brings out two highly emotional and passionate sides. Despite the emotions that may flare up, it is important to remain objective on the facts. By taking into full consideration the arguments and research provided by gun control activists and gun rights activists, a silver lining is found that provides the answers the country has been looking for years. I do this by seeking the facts about what has worked and what has failed to keep Americans safe from gun violence through their behavior, as well as state and federal legislation. I use quantitative and qualitative methods to reveal the full picture of gun violence in America.

Table of Contents

**Intro.....5-6**

**Key Terms.....7**

**Gun Ownership in the United States.....7-11**

    Table 1.....9-10

    Chart 1.....11

**History of Gun Control in the United States.....11-15**

**State Gun Violence vs Gun Control.....16-21**

    Table 2.....16

    Table 3.....19

    Map 1.....20

**Gun Control Measures.....21-31**

    Firearm Registration.....21-22

    Gun Licensing.....22-23

    Large Capacity Magazines & Assault Weapons Ban.....23-26

    Background Checks on Private Sales.....26-27

    Waiting Periods.....27-29

    Red Flag Laws.....29-31

**Conclusion.....32-33**

**References.....34-38**

## Introduction

The United States of America, unlike many other countries, places a strong emphasis on the right to bear arms in their Constitution. Of the first ten amendments in the Bill of Rights, the Founding Fathers have the right to bear arms as the second amendment...the most important amendment after the freedom of speech. The Bill of Rights outlines the specific freedoms granted to citizens of the U.S. while also providing some boundaries of the amount of control the government has. For frame of reference, the United States Constitution was ratified in 1788, which created a union of states. By having an established country with a constitution, the framework was then there to hash out what certain rights Americans would have. While the U.S. Constitution was a compromise between two parties- the Federalists and the Anti-Federalists- the Anti-Federalists were still very unsatisfied with the compromise they made. Led by Patrick Henry, the Anti-Federalists feared big government and wanted to make sure that citizens had specific rights that the government couldn't trample on. By 1791, the Bill of Rights was ratified and added to the American Constitution.

The Second Amendment, under the Bill of Rights, reads, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." ("The Bill of Rights..."). For some people, the amendment is clear: one has the right to bear arms. To others, it means that the right to bear arms is a state's right, because the amendment leads with "A well-regulated Militia." But, what is a well-regulated militia? The wording of the Second Amendment has led to a lot of confusion, and a lot of debate. Court cases will be examined in this paper that demonstrate how different justices interpret the same sentence. For the sake of consistency, it will be assumed that the Second Amendment means the right of an individual to own and have guns, since that is the most agreed upon consensus.

Nowhere in the Constitution does it outline specific limits to the right to bear arms. The Framers left a lot of rules and laws out of the Constitution, though it was on purpose. They were hopeful that the country they created was going to last a while, and that society would adapt and add what they saw fit, but still be consistent with the basic rights that the Framers outlined. The last Founding Fathers died in 1826, almost 200 years ago. We can't go back and ask them questions, but we can do our best to interpret their intentions behind the laws they wrote, while also acknowledging the context in which they wrote them. This information is found in the material they crafted, like the Constitution, as well as their ever-lasting words.

There is still a general consensus in America that the Second Amendment should not be abolished. The debate rages on as to what limits the Second Amendment and gun rights are possible within the scope of the Constitution and its Bill of Rights. The federal government has largely left this question to the states, but as the calls for more limits on the Second Amendment become louder and louder, the federal government, now more than ever, is examining the question of whether restrictive gun control measures lower gun-related violence.

In order to answer that question, several hypotheses will need to be examined. If restrictive gun control measures lower gun-related violence, than states with stricter gun control laws should generally tend to have lower gun-related crime rates than states that have looser gun control measures. Do restrictive gun control measures tend to lead to lower gun-related violence compared to states with less restrictive gun measures? Another hypothesis that needs to be examined is the common argument among supporters of gun rights that more guns lead to less crime. If that is true, then states with higher gun ownership will have lower gun-related violence. By examining these hypotheses, clarity will be found on the effectiveness of varying levels of gun control measures

## Do Restrictive Gun Control Measures Lower Gun-Related Violence?

There are a few key terms which must be defined. Merriam-Webster defines gun control as the “regulation of the selling, owning, and use of guns.” (“Gun Control”). Gun control is an inclusive term, a broad one that can include many things. Gun control relates to who is allowed to own guns, who can purchase them, and what type of weapons are available to the public. This can also expand to access to guns, how guns can be modified, and what ammunition is available for such weapons. Part of the reason that there is intense pushback from gun rights activists when the term “gun control” is brought up is because of its very fluid definition, one that involves a wide range of actions.

The next term that needs to be defined is gun-related violence. Like gun control, this can mean different things to different people. We will define gun-related violence as any violent action committed by the use of a gun. This can include assault, homicide, attempted homicide, suicide, and attempted suicide. Gun violence doesn’t always mean deaths occurred.

Having laid out the two key terms of gun control and gun violence, a deep dive will be taken into gun ownership in the United States. While there aren’t militias anymore in the United States, there is still a culture of heavy gun use in America. Americans own 40% of the world’s share of guns, which is more than all civilians combined in 25 other countries (Allen, 2019). Also, the U.S. has the highest percentage of guns per person in the world. There are 120.5 guns per 100 people in the United States. The second closest country is Yemen, which has 52.8 guns per 100 people. That means America is above and beyond in its gun ownership. These numbers are not meant to demonize the culture in the U.S., but rather to provide the full picture of gun ownership in the country. Gun control laws and their effectiveness in other countries, while



interesting, cannot be applied to Americans because gun ownership in America is vastly different. Effectiveness in this case is defined by low gun-related violence.

The United States of America is a diverse country. There is an abundance of diversity of race, ethnic origin, religion, ideology, and economic status. There's also a lot of states- fifty to be exact, that have different cultures and approaches to gun ownership. For example, there may be more of a reason for more citizens to own a gun in Montana than in Connecticut, only because of the more rural lifestyle found in Montana. This rural lifestyle can be associated with more hunting and space per capita, as opposed to a more dense, urban state like Rhode Island. Either way, it's important to break down what gun ownership rates look like in the fifty states (plus D.C.) when talking about national gun control policies. While it's hard to determine the number of people who own guns in each state because so many guns are unregistered, the Pew Research Center has 2020 data which is the best estimate on gun ownership per person by state (U.S Census Bureau). The chart below ranks them by gun ownership percentage from least (51) to greatest (1). Each state has their respective region listed next to them. The four regions are Northeast (NE), Midwest (MW), South (S), and West (W). While I put almost all emphasis on location for regional distinction (a point of contention), I also factored in cultural values like state ideological leanings, party affiliations, support of certain social movements (ex: gay marriage), etc.

*(See Table 1 on next page)*

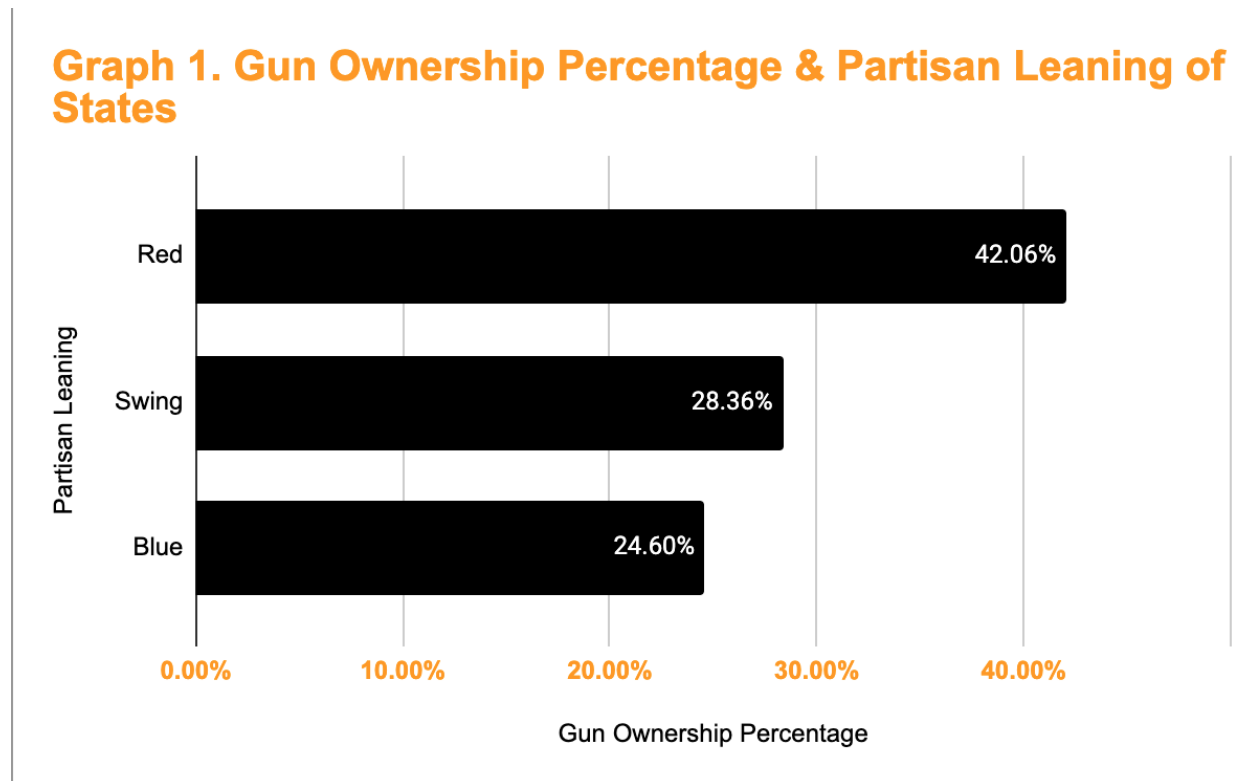
<b>State</b>	<b>Gun Ownership %</b>	<b>State</b>	<b>Gun Ownership %</b>
51. Delaware (NE)	5.2%	33. North Carolina (S)	28.7%
50. Rhode Island (NE)	5.8%	32. Michigan (MW)	28.8%
49. New York (NE)	10.3%	31. Vermont (NE)	28.8%
48. New Jersey (NE)	11.3%	30. Virginia (S)	29.3%
47. New Hampshire (NE)	14.4%	29. Oklahoma (S)	31.2%
46. Connecticut (NE)	16.6%	28. Georgia (S)	31.6%
45. Ohio (MW)	19.6%	27. Utah (W)	31.9%
44. Nebraska (MW)	19.8%	26. Kansas (MW)	32.2%
43. California (W)	19.8%	25. Arizona (W)	32.3%
42. Maryland (NE)	20.7%	24. Florida (S)	32.5%
41. Maine (NE)	22.6%	23. Indiana (MW)	33.8%
40. Massachusetts (NE)	22.6%	22. Iowa (MW)	33.8%
39. Washington D.C (NE)	25.9%	21. Colorado (W)	34.3%
38. Illinois (MW)	26.2%	20. Wisconsin (MW)	34.7%
37. Oregon (W)	26.6%	19. South Dakota (MW)	35.0%
36. Missouri (MW)	27.1%	18. Texas (S)	35.7%
35. Pennsylvania (NE)	27.1%	17. Minnesota (MW)	36.7%
34. Washington (W)	27.7%	16. Nevada (W)	37.5%

State	Gun Ownership %	State	Gun Ownership %
15. Tennessee (S)	39.4%	7. New Mexico (W)	49.9%
14. Kentucky (S)	42.4%	6. Montana (W)	52.3%
13. Mississippi (S)	42.8%	5. Wyoming (W)	53.8%
12. South Carolina (S)	44.4%	4. West Virginia (NE)	54.2%
11. Louisiana (S)	44.5%	3. Idaho (W)	56.9%
10. Hawaii (W)	45.1%	2. Arkansas (S)	57.9%
9. North Dakota (MW)	47.9%	1. Alaska (W)	61.7%
8. Alabama (S)	48.9%		

There are some stark differences between states. For example, the gap between Texas gun ownership and New York gun ownership is more than 25%. Texas has more than 9 million more residents than New York, but both are respectively number two and number four in state population rankings. *The disparity in gun ownership among Alaskans and Delawareans is a whopping 56.5 percentage points.* These figures are important to understand when looking at gun control measures in such a diverse nation.

Since there can be massive differences between states in their own region, I developed a chart that shows gun ownership rates among traditionally Republican (Red) states, traditionally Democrat (Blue) states, and “bellwether” states. Bellwether states are swing states; considered “purple,” or can go either way in presidential elections. The methodology I used in Chart 1 to determine a state’s political leaning was based on past presidential results, statewide results,

national elections, and current politics. Later on I will compare what gun violence rates between traditionally Democrat, Republican, and swing states looks like. In most cases, states that are more Democratic have tighter gun control laws. It's vice versa for traditionally "red" states, and swing states are typically in the middle.



Now that we've got a good picture of what gun ownership looks like across the United States, I want to dive into gun control measures. That can only be done by examining the history of gun control in the United States. Gun control wasn't always the highly controversial topic it is now. Many experts trace the earliest gun control measures back to mobs, and, specifically the American gangster Al Capone. His Chicago mob fully utilized guns to carry out their killings, and the citizens of Chicago and America felt unsafe by the danger they posed. As a result, in 1934, Congress passed legislation that required all gun sales of machine guns and sawed off shot

guns to be put into a national registry (Benthien, 2019). In 1938, President Roosevelt pushed and passed the National Firearm Act of 1938, which requires the licensing of interstate gun dealers to record their gun sales. Those persons indicted or convicted of violent crimes could not purchase a firearm under the bill (“History of gun-control...”, 2012) These were the baby steps of understanding of gun control measures, but these days were truly the Wild West of gun control measures that had major loopholes. Criminals didn’t buy from licensed gun dealers and had many other methods to still obtain a weapon.

It truly wasn’t until the assassinations of President John F. Kennedy and Martin Luther King Jr. that the American public and Congress started to demand change in gun control laws. The Gun Control Act of 1968 was a landmark bill, which “Regulated interstate and foreign commerce in firearms, including importation, ‘prohibited persons,’ and licensing provisions.” (“Gun Control,” 2020). This meant stricter licensing and regulation on the firearms industry, new categories of firearm offenses, and a ban on gun sales to felons and other prohibited persons. Guns weren’t the only weapons brought up in the Gun Control Act of 1968; grenades, bombs, and other similar weapons that can cause mass casualties were also included. This bill was passed at a time when immense social change was going on in the country. The *Roe V. Wade* decision came five years later, but the civil rights movement, feminist movement, anti-war movement, and LGBT rights movement was all going on during the passage of the Act. Crime rates were also accelerating in the 1960’s. The Gun Control Act of 1968 was the fire that spurred other gun control legislation nationwide and abroad in later years. And just like every other famous social movement, as voices of the movement became louder, their opposition did too.

In 1986, the Firearms Owners Protection Act was passed by Congress and set the stage as the first major piece of national legislation that tailored to gun-rights activists. It sought to undo a

lot of the provisions of the 1968 Gun Control Act. The legislation included a prohibition of a national registry of dealer records, limiting federal firearm inspections to once per year, made it easier to sell firearms, and allowed for the gun show loophole (Gray, 2019). The nation swung heavily towards conservative policies during the 1980's, and gun rights were apart of it. The Act was pushed forward by an influential group- The National Rifle Association.

The National Rifle Association, better known as the NRA, is the oldest civil rights organization in the United States. It has over six million members and is considered by most to be the most influential political lobby group in America (Sommerlad, 2019). What started off as a firearm training club has grown to be the most organized opposition to gun control measures. Their first presidential endorsement didn't come until 1980, when they endorsed Ronald Reagan. But by the 1990's, gun control had catapulted into a top social issue within United States politics and the conservative movement of the 80's was over, sealed by George H. Bush's re-election loss in 1992 to Bill Clinton.

With a new Democratic majority in Congress and in the White House, the now partisan issue of gun control had momentum for legislative change. That happened in 1993 with the passing of the Brady Handgun Violence Protection Act. It was named after James Brady, who was Press Secretary to President Ronald Reagan and who was left permanently disabled during the assassination attempt of Reagan in 1981. The Brady Handgun Act was a landmark piece of legislation that established national background checks when purchasing a gun from a federally licensed dealer (Gray, 2019). It also launched the National Instant Criminal Background Check System (NICS), ran by the FBI. In 1994, Bill Clinton added an assault weapons ban that was effective for ten years (upon renewal). The Act prevented the manufacture, transfer, and

possession of semiautomatic assault weapons. This was a significant piece of legislation, and the furthest the U.S government had ever gone to enact gun control on a federal level.

Clinton's assault weapons ban had to be renewed by President George Bush in 2004, but it wasn't. An unsurprising move by the Republican president, two bills were enacted during Bush's presidency that acted as a rebuke to the type of gun control legislation seen under Clinton's administration. Those two bills, the Tiahrt Amendment and the Protection of Lawful Commerce in Arms Act, gave more legal protection to gun manufacturers and retailers.

No moment regarding gun control in the United States was more significant than the *District of Columbia v. Heller* decision in 2008. The decision by the Supreme Court changed second amendment proceedings forever. As stated before, the second amendment in the United States is, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Where most of the controversy lies among the wording of the amendment is, "A well-regulated militia." The *Heller* case was centered around an individual's right to own a gun if they aren't connected with the state or any militia (Gray, 2019). The 2008 court case was brought forth by a 32-year ban on handguns in D.C. In perhaps the most controversial Supreme Court decision in the 21<sup>st</sup> century besides *Citizens United v. FEC*, the Court ruled that the Second Amendment guarantees rights to individuals to possess firearms independent of service in a state militia and gives individuals the right to use firearms for lawful purposes, like self-defense (Duignan, 2019). While keeping provisions in place that limit the sale of firearms to dangerous individuals, *Heller v. D.C.* opened the floodgates for gun rights activists and the NRA, as the highest court in the land decided that every American (who wasn't a felon, mentally ill, or didn't pass background check), not just someone from a state militia, was guaranteed the right to bear arms by the Second Amendment.

While there has really only been a handful of national pieces of legislation regarding gun control, with most of them undermined by later bills or court decisions, many states have decided on their own what gun control laws they want for their citizens. The landscape of gun control laws in the U.S. varies greatly amongst the states. While there is an abundance of debate on which gun control laws are most effective and least effective, both gun rights activists and gun control activists generally agree on which states have the most restrictive laws. The only national ranking list available is put forth by Giffords Law Center, which, with full-disclosure, advocates for gun control. Although, they are fully transparent with where they get their statistics. Below is their ranking from 2019 (“Giffords Law...”, 2019), with the exception of the state of Virginia, which I moved up because of significant gun control measures that have been passed in their state legislature this year. The rankings are from one to fifty, with one being the most restrictive state gun control laws. On the right of their rankings is their gun violence rating (1 being highest, 50 being lowest).

*(See Table 2 on next page)*



State	Gun Violence Ranking	Gun Control Ranking	State	Gun Violence Ranking	Gun Control Ranking
Alabama	1.	38.	Texas	26.	36.
Mississippi	2.	50.	Michigan	27.	21.
Arkansas	3.	40.	North Dakota	28.	39.
Louisiana	4.	33.	South Dakota	29.	44.
Alaska	5.	42.	Ohio	30.	26.
Oklahoma	6.	41.	Virginia	31.	19.
Tennessee	7.	29.	Utah	32.	27.
S. Carolina	8.	31.	Maryland	33.	6.
Wyoming	9.	49.	Illinois	34.	8.
Missouri	10.	47.	Nebraska	35.	18.
W. Virginia	11.	37.	Delaware	36.	11.
Montana	12.	35.	N. Hampshire	37.	30.
Kentucky	13.	46.	Washington	38.	10.
New Mexico	14.	17.	Wisconsin	39.	22.
Nevada	15.	16.	Maine	40.	34.
Georgia	16.	32.	Vermont	41.	24.
Arizona	17.	45.	California	42.	1.
N. Carolina	18.	25.	Iowa	43.	20.
Idaho	19.	48.	Minnesota	44.	13.
Indiana	20.	28.	New Jersey	45.	2.
Florida	21.	23.	Connecticut	46.	3.
Kansas	22.	43.	New York	47.	4.
Colorado	23.	14.	Rhode Island	48.	9.
Pennsylvania	24.	12.	Massachusetts	49.	7.
Oregon	25.	15.	Hawaii	50.	5.

Due to the limited national research done on gun violence data, I used data from American Progress (Vargas, 2019), which compiled data from the CDC. The methodology I used took the average number of four gun violence categories, and then ranked them from 1-50. The data from the CDC tracked the rates of gun deaths across all fifty states from 2007-2018 from three subcategories, ranking them from 1-50. Those three categories were *gun death rates per 100,000 people*, *gun related homicides per 100,000 people*, and *gun-related suicides per 100,000 people*. I added a fourth category using the same source and time frame that American Progress used. That category, using CDC data, was *unintentional gun-related deaths per 100,000 people* (“Fatal Injury Reports...”). After listing every state’s unintentional gun-related death rate, I then ranked them from 1-50. I took the average of each state’s ranking across all four variables to provide the most extensive ranking on state gun violence. While attempted suicide and attempted homicide are also part of gun violence, it is much harder to find concrete state-by-state numbers for them due to the nature of their crime being less recorded (as opposed to deaths).

It is important in statistics to not imply correlation from causation. In the metrics that I used, I took the average ranking of each statistic to determine their score. No cherry picking of numbers was done, as multiple variables were considered. There are multiple exceptions to this theory, but it is undeniable after analyzing the two categories of gun violence ranking and gun control ranking that states with looser gun control restrictions generally tend to have higher gun violence rates than states with stricter gun control measures.

Nevada, New Mexico, and Maine are the main exceptions to this theory. Breaking it down, Nevada is ranked 16<sup>th</sup> in the nation in gun control, yet is 15<sup>th</sup> in the nation in gun violence. Nevada ranks 13<sup>th</sup> in unintentional firearm death rates and gun-related homicides, high numbers for a state with strict gun control. But where Nevada stands out is their gun-related suicide rate

per 100,000 people. They are ranked 9<sup>th</sup> in the nation, coming to a rate of about 11 people per 100,000. The national average is 6.61(Vargas, 2019). Their suicide rates are abnormal for a state with such strong gun control measures.

New Mexico is also a major exception to the theory that restrictive gun control measures lower gun-related violence. New Mexico has a similar narrative to Nevada's, where they are ranked 17<sup>th</sup> in the nation in restrictive gun control measures but fall to 16<sup>th</sup> in gun-related homicides and 9<sup>th</sup> in overall gun death rates. But like Nevada, their firearm suicide rates are high. New Mexico is seventh in the nation in gun suicides per 100,000 people.

Maine is the third major exception to the theory, but goes the opposite direction of Nevada and New Mexico. While Maine has the 34<sup>th</sup> least restrictive gun control measures among the fifty states, it is in the bottom ten, 40<sup>th</sup>, in gun violence. There may be a few factors playing into Maine's low gun violence rate. Maine has the highest average number of people above 65+ than any other state in America (Himes, 2019). 20.6% of Maine's population is above the age of 65. The elderly are not typically known as the demographic that engages in gun violence, compared to younger adults. Maine also is a very rural state, with its largest city, Portland, having a population just above 66,000. In most states, that kind of population is not considered a large city by most standards. These reasons may be why Maine is an exception to the gun violence theory.

A common argument by gun rights advocates and the National Rifle Association is that when there are more guns present, the safer everyone else is because people are armed and protected. While the firearm may provide a sense of protection, the data proves that states with higher gun ownership are more likely to have more gun violence. Using the data from Table 1 that shows gun control ownership percentages for each state, I ran a correlation between state

gun ownership and gun violence ranking. The Pearson correlation coefficient measures the direction and strength of state gun ownership percentages and gun violence rankings, which served as the two variables. Table 3 is below.

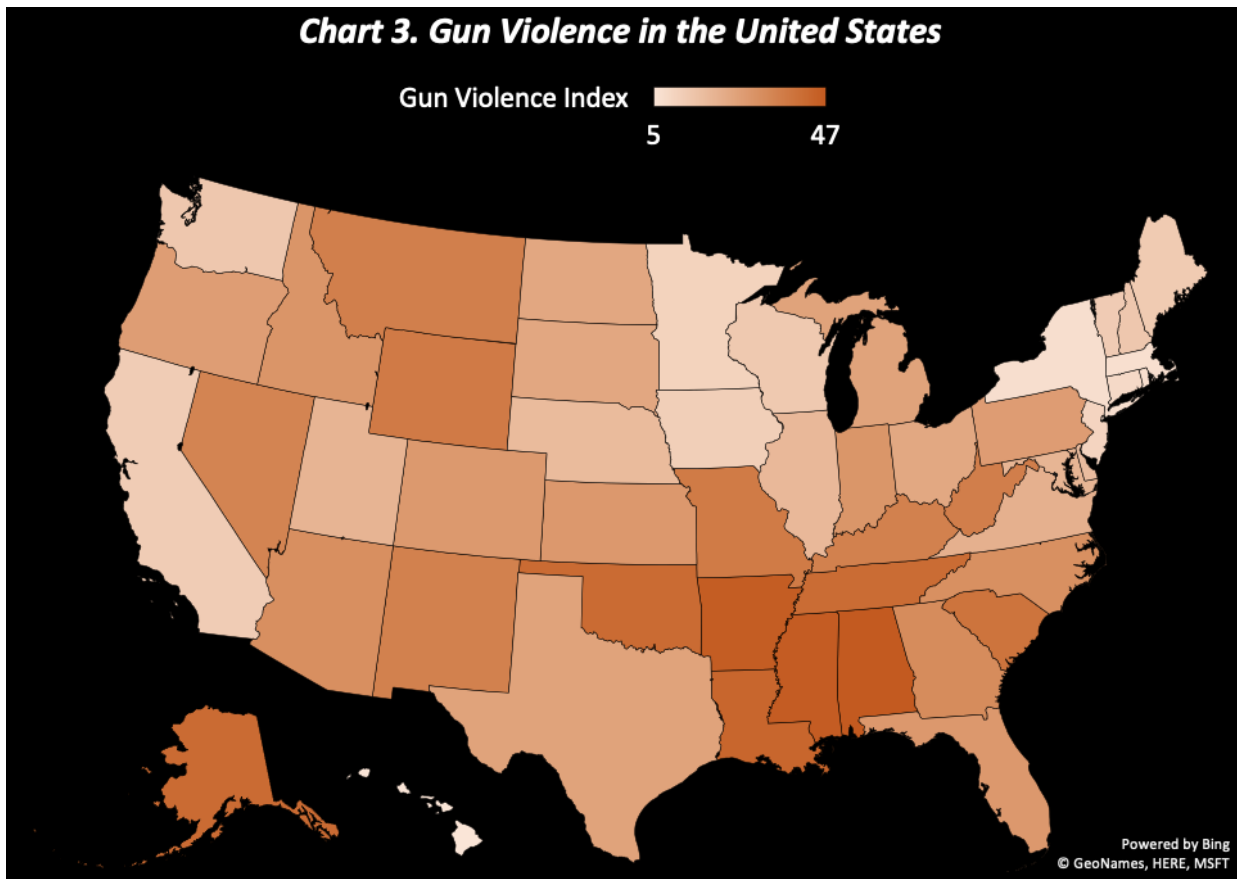
### Correlations

		Gun Ownership Percentage	Gun Violence Ranking
Gun Ownership Percentage	Pearson Correlation	1	.978**
	Sig. (2-tailed)		.000
	N	50	50
Gun Violence Ranking	Pearson Correlation	.978**	1
	Sig. (2-tailed)	.000	
	N	50	50

\*\* . Correlation is significant at the 0.01 level (2-tailed).

The coefficient range is from -1 to 1, and the results in my study show that the two correlations were 1 and .978, proving that there is significant relationship between higher gun ownership percentage and a higher state gun violence ranking. The two tailed test of significance came to .000, further proving the significance between the two variables as the benchmark of being below .05 was met. The conclusions that can be drawn from the data is that the immensely strong and positive relationship between gun ownership percentage and gun violence doubles down on many of the results found in the previous table, Table 1. If the argument that more guns meant less violence was true, there data should've revealed a negative relationship between the two variables.

Using the data from all three tables, it can be accurately said; Generally, states with higher gun ownership have higher gun violence rates as well. Below is a map of the averages of each state from the original 4 variables (that were ranked 1-50 in each category). Map 1 on the next page gives a visual map of where higher gun violence rates are found nationwide and in which regions there tends to be patterns or consistent trends.



The first major pattern of the map is that the southern region of the United States has significantly more states with high gun violence compared to any other region. The Northeastern United States stands out as a region in which almost all states rank low in gun violence. The Northeast is the region in America that the most combined states with restrictive gun control measures. In Massachusetts, for example, to obtain a concealed carry license one must be at least 21, and already have a license to carry by the state. After they meet those requirements and a

background check, they have to go through a state approved firearms training course (“Massachusetts Concealed,” 2020). Contrast this process in a state like Alabama, where it is a shall issue state for concealed carry. This means that as long as you’ve met the minimum requirements, which is essentially that you’re 18 or older, you can receive a concealed weapon permit at your local sheriff’s office. There’s also no permit, background check, or firearm registration required when buying a handgun from a private individual, but a standard background check is required when buying from a federally licensed dealer (“Alabama Concealed,” 2020).

Types of gun control measures typically seen in states with more restrictive gun measures include firearm registration, licensing, large magazine capacity restriction, background checks on private sales, assault weapon ban, waiting periods for purchases, and red flag laws. I’ll break down each.

Firearm registration requires a person to record their ownership of a firearm through a designated law enforcement agency (“Registration,” 2020). Proponents of firearm registration argue that it allows for gun crime tracing, disincentivizes firearm sales to those prohibited from purchasing them, and increases gun owner accountability. By having each firearm registered, it makes it easier for law enforcement to trace where a gun was originally purchased and by whom. When a gun is transferred from person to person, it must be re-registered again. If someone who registered their gun sells it or gives it to someone who isn’t allowed to have one (perhaps due to criminal past), there will be punishments for the person who sold the weapon as well as the new owner if it is found out by law enforcement. Because of this enhanced step to influence citizens to not sell to prohibited persons, gun control proponents argue this increases gun owner accountability. Due to its nature, firearm registration takes years to show results because it only

works when more and more guns in each state become registered to the point that all of them are. Firearm registration becomes less effective when unregistered guns are brought in from out-of-state.

Firearm registration of all guns is only required in three states: California, Hawaii, and the District of Columbia (“Registration,” 2020). In total, six states require some type of gun registration system. Firearm registration is not found in federal law and is actually prohibited when using the National Instant Criminal Background Check System (NCIS), the only federal background system that could be of real use for registering firearms. Eight states prohibit registration outright: Delaware, Florida, Georgia, Idaho, Pennsylvania, Rhode Island, South Dakota, and Vermont.

A similar proposal to firearm registration is gun licensing. The two are often tied together but do have differences. With gun licensing, those seeking to purchase a gun must get a license first. They are able to get this typically through a firearms safety course (which can be more or less rigorous depending on the state), which involves both education and firearm training (“Licensing,” 2020). To get a gun license, one will do an in-person application at their local law enforcement agency. This also means a background check is ran. Gun control advocates argue that gun licensing laws lead to significant reductions in suicides and homicides committed by guns, while also preventing gun trafficking. The official stance by the National Rifle Association is: “Gun registration and gun owner licensing wouldn’t prevent or solve crimes. Most people sent to prison for gun crimes acquire guns from theft, the black market, or acquaintances.” (Nra-lla: “Gun Registration,” 2016) The NRA cites the Supreme Court’s decision in *Haynes v. United States*, proving that those prohibited from possessing guns aren’t required to register guns because it would violate their Fifth Amendment, which is essentially one’s right against self-

incrimination. By applying registration and licensing to only law-abiding Americans, the laws miss the true criminals anyway. They argue that straw purchasers who can pass background checks are the ones smuggling guns to criminals half of the time. Their studies also show that gun registration and gun licensing simply don't work. Gun control advocates claim their studies prove the opposite. Only 14 states plus D.C. have laws in place regarding gun licensing.

Large capacity ammunition magazines bans and assault weapon bans are perhaps the most controversial gun control proposals and are often found in the same arguments. Its definition is contested, but the majority agrees that LCMs are magazines with more than ten rounds of ammunition ("Large Capacity Magazines," 2020). Large capacity magazines are most commonly found in semi-automatic weapons, but detachable magazines can also sometimes be attached to handguns. To lay out terminology, semi-automatic firearms are guns that auto-load the next cartridge, but still require one to fire the trigger manually. With automatic firearms, one simply holds down the trigger until the magazine is out and then one manually reloads it, typically with a detachable magazine. Automatic guns are also called machine guns and are banned for regular civilian use, but there is an exception. Automatic weapons made before 1986, when the aforementioned Firearm Owners Protection Act was passed, are still legal and will likely always be. But to purchase one, a person must go through an intensive and lengthy background process. Once someone completes the process, they would have to pay an extremely high price for an automatic weapon and ammunition since none have been produced in the U.S. since 1986. Transferring the automatic weapon also involves a transfer tax of \$200 (Druzin, 2018). No machine guns have ever been used in a mass shooting in American history. That covers automatic weapons under the 1934 National Firearms Act.



The definition of assault weapons is extremely controversial. Assault rifles and automatic weapons are often put in the same category, but assault rifles and automatic weapons are different from assault weapons. This claim is disputed by the National Shooting Sports Association and the National Rifle Association, who argue that assault weapons and assault rifles are automatic weapons that have been banned in the U.S. For the sake of consistency, we will define assault weapons as *a class of semi-automatic assault rifles, shotguns, and pistols that resemble the kind used by the military and have detachable magazines*. There are many types of assault weapons, or semi-automatic rifles, on the market. But the most common assault weapon that is brought up when the idea of assault weapons ban is introduced is the AR-15. The “AR” in AR-15 stands for Armalite, the firearm manufacturer that designed the gun.

Circling back around, since large capacity magazines are most often associated with assault weapons, the two are typically discussed together in gun control proposals. According to Giffords Law Center, large capacity magazines have been used in all ten of the deadliest mass shootings in the last decade. The NRA argues that more assault weapons and larger magazines leads to less crime. From 1991 to 2017, America’s violent crime rate decreased 48% while 200 million new firearms, including eleven million AR-15s and millions of other assault weapons were purchased (Nra-Ila: “Assault Weapons,” 2019). While gun control proponents most often advocate for all-out bans on assault weapons, they resort to limiting magazines to no more than ten rounds if they are unable to get an assault weapon ban. The large capacity magazines can also apply to some guns that may not qualify as assault weapons. Nine states including D.C. have some type of ban on large capacity ammunition magazines (“Large Capacity Magazines,” 2020). They include California, Colorado, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, New York, and Vermont.

As mentioned earlier, there was an assault weapons ban in the United States. From 1994 to 2004, the law targeted assault weapons, “to prohibit the manufacture, transfer, or possession of a semiautomatic assault weapon.” (Keneally, 2019). The “transfer or possession” of large capacity magazines over 10 rounds was also prohibited. The extra focus on assault weapons as opposed to other types of guns is that assault weapons were the type used to kill many people at once, whereas handguns didn’t have the same effectiveness. The modifications that could be added to assault weapons make them especially dangerous if one had the ammo and will to pull off a mass shooting. The assault weapons ban expired in 2004, due to the “sunset provision” in the bill, which was the compromise made at the time to garner enough votes to pass the assault weapons ban in Congress. Gun control activists and the NRA have opposite stances on how well the assault weapons ban worked or didn’t work. The Giffords Law Center claims that: “Mass shooting fatalities were 70% less likely to occur compared to the periods before and after the ban.” (“Assault Weapons,” 2020). They also acknowledge that there were massive loopholes in the bill that prevented it from being nearly as effective as it could have been. The NRA cites a congressionally mandated study of the ban. That study, according to the NRA, “found [that the assault weapons ban had] no impact on crime, in part because ‘the banned guns were never used in more a modest fraction of gun murders.’” (Nra-Ila: “Assault Weapons,”2019) The NRA’s data also says that murder rates were 19.3% higher when the assault weapons ban was in effect.

The figures from both sides of the debate clearly contradict each other, but it’s likely that the assault weapons ban wasn’t in effect long enough to show concrete results and overwhelming evidence one way or another. Only nine states (California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, & New York) plus D.C. have some type of ban on assault weapons. The only likely way an assault weapons ban could ever reappear on the federal level is if a

Democrat is in the White House, and there's a Democratic majority in Congress. Despite that, it's unlikely a federal assault weapons ban ever happens again on the federal level due to breakdown of bipartisanship in D.C. over the years, and especially since 1994.

Background checks on private sales are another effort that is pushed by those advocating an end gun violence by using gun control. Let's be clear: there are background checks on firearms in the United States. The only caveat, and it's a big one, is that if you purchase a gun online, at a gun show, or through a private dealer one does not have to go through a background check. It should be noted that the NRA disputes this claim. This means that under federal law background checks are performed through the National Instant Criminal Background Check System only for guns sold through licensed gun dealers. In a two-year study conducted from 2015-2017, it was found that 22% of gun owners obtained their most recent firearm purchase without going through a background check (Miller, 2017). Although the study is now three years old, the numbers are likely not much different in 2020. It can be said that roughly one in five recent firearm purchases by gun owners are done without a background check. Fourteen states require a background check at the point of transfer, which is the closest to universal background legislation that is possible within the law. Gun control advocates want universal background checks to be required nationwide.

According to the Giffords Law Center, background checks are accurate 99.3-99.8% of the time ("Universal Background Checks," 2020). They also cite that 80% of all firearms that are used for criminal purposes are obtained through transfers from unlicensed dealers. The NRA has competing figures on background checks that do not mirror the results cited by gun control groups. Firstly, the National Rifle Association opposes background checks on firearms; "[The] NRA opposes expanding firearm background check systems, because background checks don't

stop criminals from getting firearms, because some proposals to do so would deprive individuals of due process of law.” (Nra-Ila: “Assault Weapons,” 2019). The NRA also says that background checks don’t necessarily stop criminals from obtaining guns because federal studies have consistently shown those who have been imprisoned due to gun crime got their guns by theft, black market, or family most of the time anyway. Having these outlets, or a straw purchaser who gets the gun for someone else, makes the entire system dysfunctional and not worthy, as argued by those who advocate against gun control.

Another effort to curb gun violence through extended measures is waiting time periods for firearm purchases. Similar to bans on assault weapons and large capacity magazines, the motivation to have waiting periods for gun purchases is to prevent mass shootings. Mass shootings are common in the United States relative to other developed countries. Sadly, there have been several very high-profile mass shootings in America within the past fifteen years. The definition of a mass shooting is contested. The FBI does not even have a formal definition of what constitutes a mass shooting. According to the FBI, a mass murder is when four or more people are killed. Using this terminology, a mass shooting would be constituted by four or more people being killed by a gun (“General Methodology...”). The Gun Violence Archive, the most frequently cited resource for gun violence statistics has an average of the number of mass shootings each year since 2014. Taking the average, between 2014-2019 there was an average of 347 mass shootings a year in the United States (“Past Summary Ledgers...”). Notable high-profile mass shootings during that time period include: the Las Vegas shooting, the Pulse Orlando shooting, Sutherland Springs church shooting, El Paso Walmart shooting, Stoneman Douglas High School shooting, San Bernardino attack, Charleston church shooting and many others. The scale of the mass shooting attacks, and amount of deaths in the most high-profile

ones, is getting worse every decade. That's why there has been an increased push for waiting periods on gun purchases.

When one goes to purchase a firearm in a state with waiting periods, they will have the standard background check ran on them and all other relevant laws regarding gun purchases in such state. Then, they will have to come back to receive their firearm. It depends on what state one lives, but that waiting period can be anywhere between twenty-four hours to ten days. California, Florida, Hawaii, Illinois, and Rhode Island are the only states (plus D.C.) that have any type of laws regarding waiting periods. The idea behind the waiting periods is that it prevents impulse purchases. If one wanted to act out on a vengeance (and could pass a background check), they would have much more time to dwell on their decision compared to someone who lives in a state where they could go that same day and purchase the firearm. There would also be more time for law enforcement, relatives, and concerned citizens to possibly pick up on warning signs that they may harm themselves or other people, with a gun or without. The potential perpetrators may leave breadcrumbs on social media or in other ways that could stop such mass shootings from happening by signaling to others that an individual is a threat to themselves or others. Since suicides make up a large portion of gun violence, possibly it could stop some suicides from happening by allowing for a longer grace period for people to intervene and stop someone from harming themselves with a gun. According to Giffords Law Center, most suicide survivors only considered taking their life for a short period of time, 24 hours or less, before attempting to take their life ("Waiting Periods," 2020). The Giffords Law Center also claims that waiting period laws are associated with reduced rates of firearm suicide and gun homicide rates.

The National Rifle Association believes that waiting periods on firearm purchases are unnecessary burdens on American citizens' gun rights granted to them by the Second Amendment. Contrasting the studies found by the Giffords Law Center, the NRA says that waiting periods have "no effect on crime or suicide, introduce no additional investigative avenues, and only burden law-abiding gun owners without changing how or when criminals obtain firearms." (Nra-Ila: "Waiting Periods," 2019) The NRA also cites that Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) found in 2018 that in the same year, there was an average time-to-crime for guns of close to nine years. In sum, the opposition to waiting periods is that it is a burden on gun owners and its purpose is ineffective.

Within the same theme and having the same purpose of waiting periods are red flag laws. Red flag laws, also referred to as Extreme Risk Protection Orders (ERPO) and risk based gun removal laws, allow for family members, concerned individuals, or members of law enforcement to petition to a court to have someone's guns temporarily confiscated because they have or are displaying warning signs of committing gun violence towards themselves or others. While laws vary by state on who can petition for the gun removal of a potentially dangerous person, there are eighteen states with some version of red flag laws enacted in their state ("Extreme Risk...", 2020).

While the first type of ERPO was passed in 1999, it wasn't until the Parkland school shooting at Marjory Stoneman Douglas High School in 2018 that prompted many states to enact such laws. That's because Nikolas Cruz, who carried out the mass shooting, had shown multiple warning signs and concerning behavior that made it clear he was someone who should not have had guns. The main gun he used in the shooting was one he purchased legally at a federally licensed dealer, in which he passed the background check. While others that knew him, including

guidance counselors, had expressed concern over his unsettling behavior before and after he purchased the firearm, it was still not enough to legally stop him at the time from obtaining the firearm. Had a red flag law been in place in Florida at the time, there is enough evidence to conclude his firearms would've been seized or a court would've at least examined his situation (under the assumption that someone would've filed a petition).

Just like waiting periods, ERPOs are also pushed for by gun control activists because those who may be suspected of contemplating suicide may potentially have their guns taken away from them, or at least extra awareness is brought upon them. According to a study by the CDC that examined the means of suicides in the U.S. in 2018, more than 50% of them were carried out by firearms, which was by far the most common method of suicide (“Means of Suicide,” 2018). Suicide by firearms is also the most effective means for taking one’s life, which is why someone having their firearms seized before they can act upon their negative thoughts has the potential to save lives. Connecticut and Indiana, two states that have had ERPO in place the longest, saw their firearm suicide rates reduced by 14% and 7.5% respectively, according to the Giffords Law Center (“Extreme Risk...”, 2020).

While red flag laws have had the most bipartisan support of any gun control proposal, there is still a hesitation among gun rights activists and others to support the idea. In the wake of the increased calls for red flag laws due to the Parkland shooting, the NRA, which, again, sets the tone for the majority of American gun rights activists, explained their lukewarm support of ERPOs. Placing an emphasis on due process rights, the National Rifle Association has made a list of provisions that must be included in a state’s red flag laws in order for them to support it. In almost every scenario, the NRA opposes states’ ERPOs because they do not meet every provision of the criteria. In sum, these requirements (outside of what is standard in most passed

ERPOs) include: no seizure of firearms by federal agents (law-abiding third parties, local law enforcement, or a federally licensed gun dealer instead) after a federal court hearing, criminal penalties for those who bring “false or frivolous charges,” a mechanism in place for the return of firearms after the person’s order is over, and no ex parte hearings (Nra-Ila: “Extreme Risk,” 2019). Since most of the states, with some exceptions, that have passed red flag laws are more Democratic leaning, their state legislatures and governors have given little consideration to whether or not they had the approval of the NRA. So while the NRA does support a version of ERPO, it can only be their version, and in every case so far their requirements are never fully met. There has also been a shift in tone from the National Rifle Association regarding red flag laws as time has gone on since the Parkland shooting. In March of 2020, they called upon members to contact Colorado state representatives to repeal their red flag legislation, describing it as “extreme ‘red flag’ confiscation.” (“Colorado: House...”, 2020). The NRA also claimed in the same article that ERPO strip law-abiding persons of their Second Amendment rights, while listing out the flaws of Colorado’s ERPO law. What was once a possible middle-ground piece of legislation for gun rights activists and gun control activists has become another contentious proposal.



## Conclusion

Clearly, there is a lot of competing ideas, proposals, solutions, and evidence regarding gun control in the United States. Activist organizations in support and in opposition to most gun control measures bring to the table statistics and research that seems to contradict each other, or completely resemble the opposite. By equally including the data and claims of both sides, I have given a fair picture of the different proposals to curb gun violence. By using non-biased data in my formula, I use several variables to give the fullest picture of what gun violence in each state looks like in regard to their firearm laws. It can be safely concluded that states with restrictive gun control measures have lower gun violence the majority of the time. This helps answer the question that *restrictive gun control measures do in fact lower gun-related violence*.

Each gun control proposition is not perfect. There will always be people who manage to navigate around the law. States that do not enforce similar laws of states that neighbor them will continue to cast a shadow of doubt on the effectiveness of gun control laws; *But having more rules in place than none is proven to be more effective*. At the end of the day, restrictive gun control measures in the United States will always be a social contract. The Second Amendment will always and has always been a part of the American Constitution, but the compromise is how many, and what measures, we as a country decide to place on it. If the majority in a state decide the cons outweigh the pros, the gun control proposal will always fail. Each state and the country as a whole will continue to decide what measures they will adopt as they deem necessary to their livelihoods and quality of life.

Each person's quality of life is subjective to their own beliefs, experience, culture, and values. The government is unable to define a certain quality of life for the citizens that would make everyone happy. Although, sometimes we must compromise as individuals of a society

privileges that may make our own lives more enjoyable and make us feel more fulfilled but are severely disadvantaging others. This doesn't mean giving up rights- the Second Amendment is in the Constitution for a reason. But perhaps what may be perceived as an inconvenience, such as waiting periods or smaller capacity magazines, is actually a worthwhile one to have because it saves lives.

It's easier to not change. Change is not easy. It forces us to confront what we have been doing and even why we were doing things the way we did. The research proves that many gun control measures work, and that they do in fact save lives. While maintaining a strong sense of our rights and liberties, we as a society should perhaps reevaluate if what we're doing is working, and if it is the best way to go about things. If we never have that conversation, we can't expect different results.

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n-3

